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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,757	12/04/2000	Masayoshi Miyamoto	200415US2	5469
22850	7590	01/27/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/727,757	Applicant(s) MIYAMOTO ET AL.	
	Examiner Heather D. Gibbs	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 53-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 53-69 is/are rejected.
- 7) ☒ Claim(s) 6 and 58 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/04/05, 12/02/04.</u> <b>6-1F-04</b> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Page 31, Line 13 change "to determined" to --to determine--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-17, 53-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner has found no evidence in the specification that supports the newly added "whether sheets of the original are part of the same document based on the time between reading". Applicant is invited to point the Examiner's attention to the section in the disclosure that teaches this essential element.

### ***Response to Arguments***

4. Applicant's arguments filed 08/16/05 have been fully considered but they are not persuasive. Applicant argues, " Ohmori is not directed to a device even similar to that clarified in the claims in which it is determined whether sheets of an original are part of a

same document. Further... Ohmori does not measure a time such as claimed between reading successive sheets." However, the Examiner has not found sufficient evidence in the disclosure that teaches this element nor has the applicants pointed the Examiner's attention to this essential limit in the specification.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5,7-17,53-57,59-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohmori (US 6,822,765).

Regarding claim 1, which is representative of claim 53, Ohmori discloses An image reading apparatus comprising: a reading part configured to read an original (Col 3 Lines 35-46); a time measuring part configured to measure different times selectively (Col 3 Lines 55-60; Col 4 Lines 47-51); and a defining part configured to determined a time between reading successive sheets of the original read by said reading part, wherein said time measuring part selects a time to be measured according to a predetermined condition, and said defining part determines whether sheets of the original are part of a same document based on the time between reading the

successive of sheets of the original and whether the selected time has elapsed without an operation concerning a reading operation being re-started after the reading operation of said reading part is once stopped (Col 8 Lines 32-36).

Considering claim 2, which is representative of claim 54, Ohmori teaches wherein, said predetermined condition comprises a condition of using the apparatus (Col 8 Lines 25-36).

Regarding claim 3, which is representative of claim 55, Ohmori teaches wherein said condition of using the apparatus comprises a function of the apparatus which is executed by reading the original (Col 7 Lines 63- Col 8 Line 8).

Regarding claim 4, which is representative of claim 56, Ohmori teaches wherein said function of the apparatus is at least one of a facsimile transmission function, a photocopying function and a scanning function (Col 7 Lines 7-14).

Considering claim 5, which is representative of claim 57, Ohmori discloses wherein said condition of using the apparatus is either one of a case where an automatic original feeding function is used and a case where the automatic original feeding function is not used and a user manually feeds the original (Col 4 Lines 17-24).

Considering claim 7, which is representative of claim 59, Ohmori teaches the image reading apparatus as claimed in claim 5, wherein, when operation of changing from a condition in which the automatic original feeding function is used to a condition in which the original is fed manually is detected during the measurement of the time of the case of using the automatic original feeding function by said time measuring part, said defining part determines that the measurement has finished even during the

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measurement of said time and that the separation of sheets of the original occurs (Col 4 Lines 17-28). Examiner finds this to be well known in the art.

Regarding claim 8, which is representative of claim 60, Ohmori teaches wherein when an operation of again manually feeding the original is detected during measurement of the time of the case of manually feeding the original by said time measuring part, said time measuring part restarts the measurement of said time (Col 8 Lines 32-36).

Regarding claim 9, which is representative of claim 61, Ohmori teaches wherein measurement of the time by said time measuring part is stopped by a predetermined operation (Col 8 Lines 26-36).

Regarding claim 10, which is representative of claim 62, Ohmori discloses further comprising a registering part for previously registering, for the original to be read, as a plurality of documents, wherein image data read by said reading part from the original is treated as respective ones of the plurality of documents registered by said registering part (Col 3 Lines 25-34).

Considering claim 11, which is representative of claim 63, Ohmori teaches wherein said registering part is used for registering document information for each of the plurality of documents, and adds the document information to the image data for each document (Col 3 Lines 25-45).

Considering claim 12, which is representative of claim 64, Ohmori teaches wherein the document information comprised at least one of a reading condition, user information and storage information (Col 5 Lines 3-11).

Considering claim 13, which is representative of claim 65, Ohmori discloses further comprising a display part displaying the contents registered by said registering part during the reading operation by said reading part (Col 5 Lines 49-60).

Regarding claim 14, which is representative of claim 66, Ohmori discloses a display part displaying the contents registered by said registering part after the reading operation by said reading part; and a confirming/editing part for confirming/editing the registered contents viewing them displayed by said displaying part (Fig 3).

Regarding claim 15, which is representative of claim 67, Ohmori teaches treating one of a plurality of sheets of original as one document, comprising: a display part displaying part contents comprising separation of sheets of the original determined by said time measuring part and defining part, as temporary registered contents; and a confirming/editing for confirming/editing the temporary registered contents viewing them displayed by said displaying part (Fig 3-8).

Considering claim 16, which is representative of 68, Ohmori teaches wherein, said confirming/editing part is used for registering document information for each document of the plurality of document, and adding the document information to the image data for each document (Col 5 Lines 49-60; Figs 3-8).

Considering claim 17, which is representative of claim 69, Ohmori discloses wherein the document information comprises at least one of a reading condition, user information and storage information (Col 5 Lines 3-11).

***Allowable Subject Matter***

3. Claims 6,58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

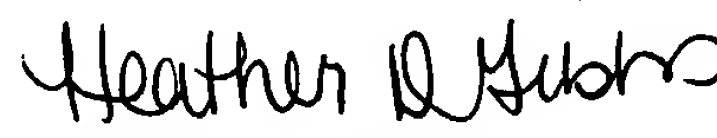


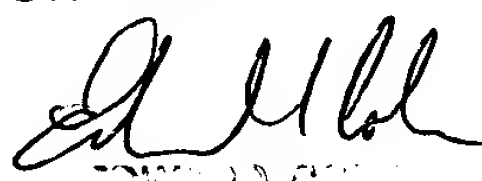
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg

  
Heather D Gibbs  
Examiner  
Art Unit 2627

  
EDWARD L. COLES  
SUPERVISOR